

AN ORDINANCE 2006 - 0 1 - 2 6 - 0 1 4 6

**AMENDING THE OFFICIAL ZONING MAP OF THE CITY
OF SAN ANTONIO BY AMENDING CHAPTER 35, UNIFIED
DEVELOPMENT CODE, SECTION 35-304, OF THE CITY
CODE OF SAN ANTONIO, TEXAS BY CHANGING THE
ZONING DISTRICT BOUNDARY OF CERTAIN PROPERTY.**

* * * * *

WHEREAS, a public hearing was held regarding this amendment to the Official Zoning Map at which time parties in interest and citizens were given an opportunity to be heard; and

WHEREAS, the Zoning Commission has submitted a final report to the City Council regarding this amendment to the Official Zoning Map of the City of San Antonio; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Chapter 35, Unified Development Code, Section 35-304, Official Zoning Map, of the City Code of San Antonio, Texas is amended by changing the zoning district boundary of 74.595 acres out of NCB 17701 from "R-4" ERZD Residential Single-Family Edwards Recharge Zone District to PUD "R-4" ERZD Planned Unit Development Residential Single-Family Edwards Recharge Zone District.

SECTION 2. A description of the property is attached as Exhibit "A" and made a part hereof and incorporated herein for all purposes.

SECTION 3. This change of zoning district boundary is conditioned on the requirement that the impervious cover on the property described by this ordinance shall not exceed 50%.

SECTION 4. The owner or owner's agent shall inform any person leasing this tract or any portion of this tract that storage of chemicals and/or hazardous materials is not permitted. Provisions prohibiting the storage of chemicals and/or hazardous materials shall be included in the lease agreement. The owner or owner's agent shall provide a copy of the of the lease provisions regarding the storage of chemicals and/or hazardous materials to the Aquifer Protection and Evaluation Section of the San Antonio Water System for approval. The Aquifer Protection and Evaluation Section of the San Antonio Water System may randomly inspect, without notice, any or all facilities on the site to ensure compliance with this ordinance.

SECTION 5. All water pollution abatement structures or features approved by the Texas Commission on Environmental Quality shall be properly maintained and kept free of trash and debris. A water quality maintenance plan and schedule agreement signed by the property owner must be submitted to the Resource Protection Division of SAWS. If at any time the ownership of the property changes, the seller must disclose to the buyer all the requirements of the water

quality maintenance plan. A water quality maintenance plan signed by the new owner must be submitted to the Resource Protection Division of SAWS.

SECTION 6. Landscaped areas shall be sensitive to minimizing water needs, i.e., use of native plants. Each purchaser of an individual lot or tenant within this development shall be informed by the seller or lessor in writing about Best Management Practices (BMP) for pesticide and fertilizer application. Preventing Groundwater Pollution, A Practical Guide to Pest Control, available from the Edwards Aquifer Authority (210/222-2204), or equivalent information produced by the U.S. Natural Resource Conservation Service, the Texas Department of Agriculture, or the U.S. Department of Agriculture shall be used.

SECTION 7. All other provisions of Chapter 35 except those expressly amended by this ordinance shall remain in full force and effect including the penalties for violations as made and provided for in Section 35-491.

SECTION 8. The Director of Development Services shall change the zoning records and maps in accordance with this ordinance and the same shall be available and open to the public for inspection.


SECTION 9. If a court of competent jurisdiction enters a final judgment on the merits that is no longer subject to appeal and substantially limits or impairs the essential elements of sections one through five of this ordinance, then sections one through five are invalid and have no legal effect as of the date of entry of such judgment notwithstanding any other ordinance or provision of the City Code of San Antonio.

SECTION 10. This ordinance shall become effective on February 5, 2006.

PASSED AND APPROVED this 26th day of January, 2006.


M A Y O R
PHIL HARDBERGER

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
For City Attorney

Agenda Voting Results

Name: Z-8

Date: 01/26/06

Time: 02:20:11 PM

Vote Type: Multiple selection

Description: ZONING CASE #Z2005291 (District 9): An Ordinance amending the zoning boundary from "R-4 ERZD" Residential Single-Family Edwards Recharge Zone District to PUD "R-4 ERZD" Planned Unit Development Residential Single-Family Edwards Recharge Zone District on 74.595 acres out of NCB 17701, 17300 Block of Northwest Military Highway as requested by Kaufman and Associates, Inc., Applicant, for McMillin Texas Development, LLC., Owner(s). Staff and Zoning Commission recommend Approval with a limit of 375 total units, and with SAWS recommendations and site specific conditions.

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1		x		
SHEILA D. MCNEIL	DISTRICT 2		x		
ROLAND GUTIERREZ	DISTRICT 3		x		
RICHARD PEREZ	DISTRICT 4		x		
PATTI RADLE	DISTRICT 5			x	
DELICIA HERRERA	DISTRICT 6			x	
ELENA K. GUAJARDO	DISTRICT 7			x	
ART A. HALL	DISTRICT 8		x		
KEVIN A. WOLFF	DISTRICT 9		x		
CHIP HAASS	DISTRICT_10		x		
MAYOR PHIL HARDBERGER	MAYOR		x		



M.W. CUDE ENGINEERS, L.L.C.
CIVIL ENGINEERS & SURVEYORS

72005291

Property Description
of

Zoning: R-4
Page 1 of 2

74.595 acres of land in the City of San Antonio, N.C.B. 17701 being the same Real Property designated as 74.64 acres of land as described by Deed recorded in Volume 10573, Pages 1006-1013 of the Official Public Records of Bexar County, Texas and out of the Collin C. McRae Survey No.391, Abstract No. 482, Bexar County, Texas; said 74.595 acres of land being more particularly described as follows:

Beginning: At a point on the East Right of Way line of N.W. Military Highway (F.M. 1535) being N27°56'08"W, 940.41 feet from the most Westerly corner of the cutback at the intersection of the North Right of Way line of Loop 1604; said point being the most Westerly Southwest corner of said 74.64 acre tract and the herein described tract;

Thence: N27°56'08"W (reference line), 1398.57 feet with the East Right of Way line of N.W. Military Highway (F.M. 1535) to a point being the Northwest corner of said 74.64 acre tract and the herein described tract;

Thence: With the Northerly boundary of said 74.64 acre tract, the following:

N62°05'33"E, 1299.45 feet leaving the East Right of Way line of N.W. Military Highway (F.M. 1535) to a point being the most Northerly corner of said 74.64 acre tract and the herein described tract;

S72°58'21"E, 1511.65 feet to a point for an angle;

Thence: S27°13'02"E, 837.18 feet with the Easterly boundary of said 74.64 acre tract to a point being the East corner of said 74.64 acre tract and the herein described tract;

Thence: With the Southerly boundary of said 74.64 acre tract, the following:

S62°46'58"W, 737.41 feet to a point of curvature;

686.73 feet with the arc of a curve, concave to the South, having a radius of 450.00 feet, a central angle of 87°26'15" and a chord bearing and distance of N73°34'19"W, 622.01 feet to a point of tangency;

S62°42'33"W, 1126.58 feet to a point for an angle;

EXHIBIT A

To Ordinance No. _____
Passed and approved on 01/26/06

Z2005291

Zoning: R-4
Page 2 of 2

N72°36'48"W, 71.11 feet to the POINT OF BEGINNING containing
74.595 acres of land.

Note: Bearings used in this description are referenced to said 74.64 acre tract
described by Deed recorded in Volume 10573, Pages 1006-1013 of the
Official Public Records of Bexar County, Texas.\

Reference is made to exhibit plat dated February 25, 2005 accompanying
these field notes.

Job No. 211300
February 25, 2005
JGR/snm

Z20005291

EXISTING
ZONING: NP 15

14.4
ACRES
14.4 ACRES
VOL. 143, P. 1535
OWNER: M&M DEVELOPMENT, LTD.



SCALE: 1"=200'

LEGEND

- ROW-RIGHT OF WAY
- DA-DEED RECORDS
- OP-OFFICIAL PUBLIC RECORDS
- PP-PRIVATE PROPERTY RECORDS
- OP-DEED AND PLAT RECORDS
- TIDOT-TEXAS DEPARTMENT OF TRANSPORTATION

NOTE:
1. REFERENCE TO T&M ACRE DEED
2. REFERENCE TO T&M ACRE DEED
3. FIELD NOTES PREPARED

REFERENCE

T&M ACRE DEED VOL. 143, P. 1535

NW MILITARY HIGHWAY (F.M. 1535)
200' RIGHT-OF-WAY LINE
1700.57' 1700.57' 1700.57'

EXISTING
ZONING: C-1

EXISTING
ZONING: C-2

74,595 ACRES
14.4 ACRES
VOL. 143, P. 1535
OWNER: M&M DEVELOPMENT, LTD.

EXISTING
ZONING: C-3 NA

EXISTING
ZONING: C-2 NA

EXISTING
ZONING: C-2

EXISTING
ZONING: C-1

C-1	DELTA	ACRES	THICKET	LENGTH	BEARING	C-2
C-1	87°28'15"	450.00	430.33	688.73	N73°51'00"W	682.00'

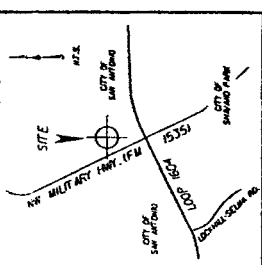


EXHIBIT
OF

74.595 ACRES OF LAND IN THE CITY OF SAN ANTONIO, TEXAS, BEING THE SAME REAL PROPERTY DESCRIBED AS 74.595 ACRES OF LAND AS DESCRIBED BY DEED RECORDED IN VOLUME 143, PAGES 1535 OF THE OFFICIAL PUBLIC RECORDS OF BEXAR COUNTY, TEXAS, AND OUT OF THE SUELL C. BOWNE SURVEY, SHOWN IN PLAT 143, BEXAR COUNTY, TEXAS.



M.W. CUDE ENGINEERS, L.L.C.

12101 841-1911
10119 SANDELL RD.
SAN ANTONIO, TEXAS 78250

DATE: 1 FEBRUARY 2005

DATE	DESCRIPTION

CASE NO: Z2005291

Staff and Zoning Commission Recommendation - City Council

Date: January 26, 2006

Zoning Commission Meeting Date: January 17, 2006

Council District: 9 **Ferguson Map:** 515 B-3

Applicant: Owner

Kaufman and Associates, Inc. McMillin Texas Development, LLC.

Zoning Request: From "R-4 ERZD" Residential Single-Family Edwards Recharge Zone District to PUD "R-4 ERZD" Planned Unit Development Residential Single-Family Edwards Recharge Zone District

74.595 acres out of NCB 17701

Property Location: Northwest Military Highway and Loop 1604 West

17300 Block of NW Military Highway

Proposal: Flexibility of development design

Neighborhood Association: None

Neighborhood Plan: None

Traffic Impact Analysis:

A Traffic Impact Analysis is required, and has previously been submitted. The TIA report indicates that the 74.64-acres is proposed to be developed with as many as 368 single-family lots. The proposed development is projected to generate 3,521 daily vehicle trips. Texas Department of Transportation (TxDOT) is requiring a right turn lane on N.W. Military at the proposed subdivision entrance. The TIA Division recommends support of re-zoning.

Staff Recommendation:

Approval.

The subject property was rezoned to "R-4 ERZD", June 9, 2005. The requested zoning to PUD "R-4 ERZD" will allow for design flexibility.

The subject property is located north of the intersection of two major thoroughfares, Northwest Military Highway and North Loop 1604 West. The subject property is currently undeveloped. The surrounding properties are vacant and are zoned commercial to the north and south, residential to the east, and quarry to the west. The subject property is adjacent to a large quarry. A strip of commercial zoned property separates the site from the quarry to the north.

SAWS recommends approval with conditions.

Zoning Commission Recommendation

Approval with SAWS recommendations, maximum of 375 units and 50% impervious cover

CASE MANAGER : Richard Ramirez 207-5018

VOTE

FOR	10
AGAINST	0
ABSTAIN	0
RECUSAL	0

Z2005291

ZONING CASE NO. Z2005291 – January 17, 2006

Applicant: Kaufman & Associates, Inc.

Zoning Request: “R-4” ERZD Residential Single-Family Edwards Recharge Zone
District to PUD “R-4” “ERZD Planned Unit Development Residential
Single Family Edward Recharge Zone District

Lucy Gentry, 100 W. Houston, representing the owner, stated the purpose of the PUD designation would be to provide private streets and the gated community. She stated there would be no more than 375 residential units on the subject property. She further stated they are in agreement with SAWS recommendation of 50% impervious cover.

Staff stated there were 8 notices mailed out to the surrounding property owners, 0 returned in opposition and 0 returned in favor.

Everyone present, for and against having been heard and the results of the written notices having been received, the Chairman declared the public hearing closed.

COMMISSION ACTION

The motion was made by Commissioner McAden and seconded by Commissioner Robbins to recommend approval of “R-4” PUD ERZD .

1. Property is located on 74.595 acres out of NCB 17701 at Northwest Military Highway and Loop 1604 West.
2. There were 8 notices mailed, 0 returned in opposition and 0 in favor.
3. Staff recommends approval.

**AYES: Martinez, Robbins, Rodriguez, Kissling, Marshall, Sherrill, McAden, Avila,
Stribling, Gray**

NAYS: None

THE MOTION CARRIED

RESULTS OF NOTICE FOR COUNCIL HEARING

To be provided at Council hearing.

Z2005291
SERVICES
2006 JAN -5 P 12:41

SAN ANTONIO WATER SYSTEM
Interdepartment Correspondence Sheet

To: Zoning Commission Members

From: Kirk M. Nixon, Manager, Resource Protection Division, San Antonio Water System

Copies To: Scott R. Halty, Director, Resource Protection & Compliance Department, Julia I. Mireles, P.E., Mike Barr, Resource Protection Specialist II, Aquifer Protection & Evaluation Section, File

Subject: Zoning Case Z2005291 (Presidio Heights)

Date: January 3, 2006

SUMMARY

A request for a change in zoning has been made for an approximate 74.595-acre tract located on the city's north side. A change in zoning from "R-4" ERZD to "R-4 PUD" ERZD is being requested by the applicant, Kaufman and Associates, Inc. The change in zoning has been requested to allow for the development of a single - family residential subdivision. The property is classified as Category 1 property. The change is to allow for the residential subdivision to be gated.

Based on the site evaluation of the property, and the information submitted by the applicant, SAWS staff recommends **approval** of the proposed land use. Should the city council rezone the property that is the subject of this report, the San Antonio Water System recommends that any development on that property after the zoning classification has been changed should be restricted as stated in the environmental recommendations section of this report.

LOCATION

The subject property is located in City Council District 9, near the northeast corner of Loop 1604 and N.W. Military. The property lies within the Edwards Aquifer Recharge Zone (Figures 1 and 2).

SITE EVALUATION

1. Development Description:

The proposed change is from "R-4" ERZD to "R-4 PUD" ERZD and will allow for the construction of single - family residential subdivision. Currently the site is covered in native vegetation and undeveloped.

2. Surrounding Land Uses:

Quarry operations surround most of the property, to the north and west of the site. The remaining property that surrounds the site is currently undeveloped.

3. Water Pollution Abatement Plan:

As of the date of this report, a WPAP has not been submitted to the Texas Commission on Environmental Quality (TCEQ). A WPAP will be required to be submitted to and approved by the TCEQ prior to the commencement of construction.

4. Geologic Conditions:

The Resource Protection Division of the San Antonio Water System conducted an evaluation on April 11, 2005 of the referenced property to assess the geologic conditions and evaluate any environmental concerns present at the site. SAWS staff Geologist, Ms. Joan B. Faulkenberg, P.G., was present during the site evaluation and observed no sensitive recharge features, although Edwards outcropping was visually apparent. Using U.S. Geological Survey Water-Resources Investigations Report 95-4030 it was determined that the subject site was underlain by the Dolomitic Member of the Edwards Aquifer. Identification of geologic units was partially obscured due to soil development and coverage by mulch.

The Dolomitic Member is known to be porous and relatively permeable. It is generally 110 to 130 feet thick. An inferred fault traverses across the eastern portion of the property, however no surface expression was observed in the field. According to FEMA Flood Insurance Maps, no part of the subject site is located within the 100-year floodplain.

ENVIRONMENTAL CONCERNS

The environmental concerns associated with this development being constructed on the Edwards Aquifer Recharge Zone are:

General Concerns

1. The improper use of pesticides, herbicides, or fertilizers needed for landscape maintenance that may be carried off in the first flush of stormwater run-off.
2. The build-up of hydrocarbons and other pollutants on streets, parking lots and other paved areas that are then carried off in the first flush of stormwater run-off.

ENVIRONMENTAL RECOMMENDATIONS

The following recommendations address the environmental concerns raised by the construction of this development on the Edwards Aquifer Recharge Zone:

Site Specific Recommendations

1. The impervious cover shall not exceed 50% on the site.
2. The land uses within the project site shall be in conformance with the table of permitted uses at the time the re-zoning is approved. Should a proposed use be listed as requiring City Council approval, the owner/operator shall apply for re-zoning for that particular use at the project site. If the land use is listed as special use, a special permit must be obtained for that use. If the land use is listed as not allowed, that land use will not be permitted on the project site.
3. The owner of all water pollution abatement structures shall ensure these structures are properly maintained and kept free of trash and debris. A signed water quality maintenance plan must be submitted to the Resource Protection Division of SAWS. If at any time the ownership of the property changes, the seller must disclose to the buyer all the requirements of the water quality maintenance plan. The new owner must submit a signed water quality maintenance plan to the Resource Protection Division of SAWS.
4. Landscaped areas shall be sensitive to minimizing water needs, i.e., use of native plants. Each purchaser of an individual lot or tenant within this development shall be informed by the seller or lessor in writing about Best Management Practices (BMP) for pesticide and fertilizer application. Preventing Groundwater Pollution, A Practical Guide to Pest Control, available from the Edwards Aquifer Authority (210/222-2204), or equivalent information produced by the U.S. Natural Resource Conservation Service, Texas Department of Agriculture, U.S. Department of Agriculture, shall be used.
5. The applicant shall notify the Construction Compliance Section of the Resource Compliance Division of SAWS at (210) 233-3564 no later than 48 hours prior to the commencement of construction at the site. If any significant geologic features such as, but not limited to, solution openings, caves, sinkholes, or wells are found during the excavation, construction, or blasting, the developer shall notify the Texas Commission on Environmental Quality at (210) 490-3096 and the Resource Protection Division of the San Antonio Water System at (210) 233-3526.

6. If any sensitive geologic features such as, but not limited to, solution openings, caves, sinkholes, or wells are found during the excavation, construction, or blasting, the developer shall notify the Texas Commission on Environmental Quality at (210) 490-3096 and the Resource Protection Division of the San Antonio Water System at (210) 233-3526.

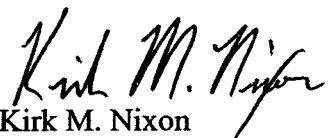
General Recommendations

1. Prior to the release of any building permits the owner/operator of any Category 2 property shall submit an Aquifer Protection Plan to the Resource Protection Division of the San Antonio Water System.
2. Prior to the release of any building permits, the following shall be submitted to the SAWS Aquifer Protection & Evaluation Section of the Resource Protection Division:
 - A. A copy of the Water Pollution Abatement Plan (WPAP) shall be submitted for each particular development/use within the area being considered for re-zoning,
 - B. A set of site specific plans which must have a signed Engineers Seal from the State of Texas,
 - C. A WPAP approval letter from the Texas Commission on Environmental Quality (TCEQ),
 - D. A copy of the approved Water Pollution Abatement Plan.
3. The storage, handling, use and disposal of all over the counter hazardous materials within this development shall be consistent with the labeling of those materials. Failure to comply with the label warnings may constitute a violation of Federal law.
4. If a water quality basin is constructed on the property, the following is required:
 - A. Prior to the start of the basin construction, the owner will notify the Aquifer Protection and Evaluation Section of the San Antonio Water System at (210) 233-3526 to schedule a site inspection.
 - B. After basin construction is complete and prior to the start of business, the owner will notify the SAWS Aquifer Protection and Evaluation Section at (210) 233-3526 to schedule a site inspection. Additionally, we recommend a maintenance plan and schedule be developed and submitted to SAWS Aquifer Protection and Evaluation Section.

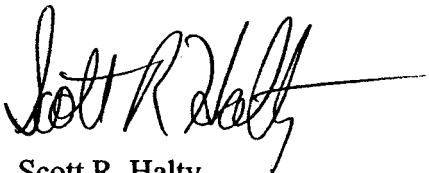
Zoning Commission Members
Z2005291 (Presidio Heights)
Page 5

- C. If the basin fails to drain properly, the owner will notify the Construction Section of the Resource Compliance Division at (210) 233-3564 prior to any discharge of water.
 - D. If at any time the ownership of the property changes, the seller must inform the buyer of all requirements for maintenance of the Basin. A signed basin maintenance plan and schedule agreement, from the new owner, must be submitted to the Resource Protection Division of SAWS.
- 5. The City of San Antonio shall inspect all future construction of the sewage collection system to include service laterals and sewer mains for proper construction according to State and City Regulations and Code.
 - 6. The Resource Protection Division staff shall have the authority to inspect the site to ensure that the approved recommendations are being strictly adhered to during and after construction of the project.

Based on the site evaluation of the property, and the information submitted by the applicant, staff recommends **approval** of the proposed land use. Additionally, SAWS staff recommends that the applicant, or any future owner, comply with the above recommendations in regards to the development of the subject property.

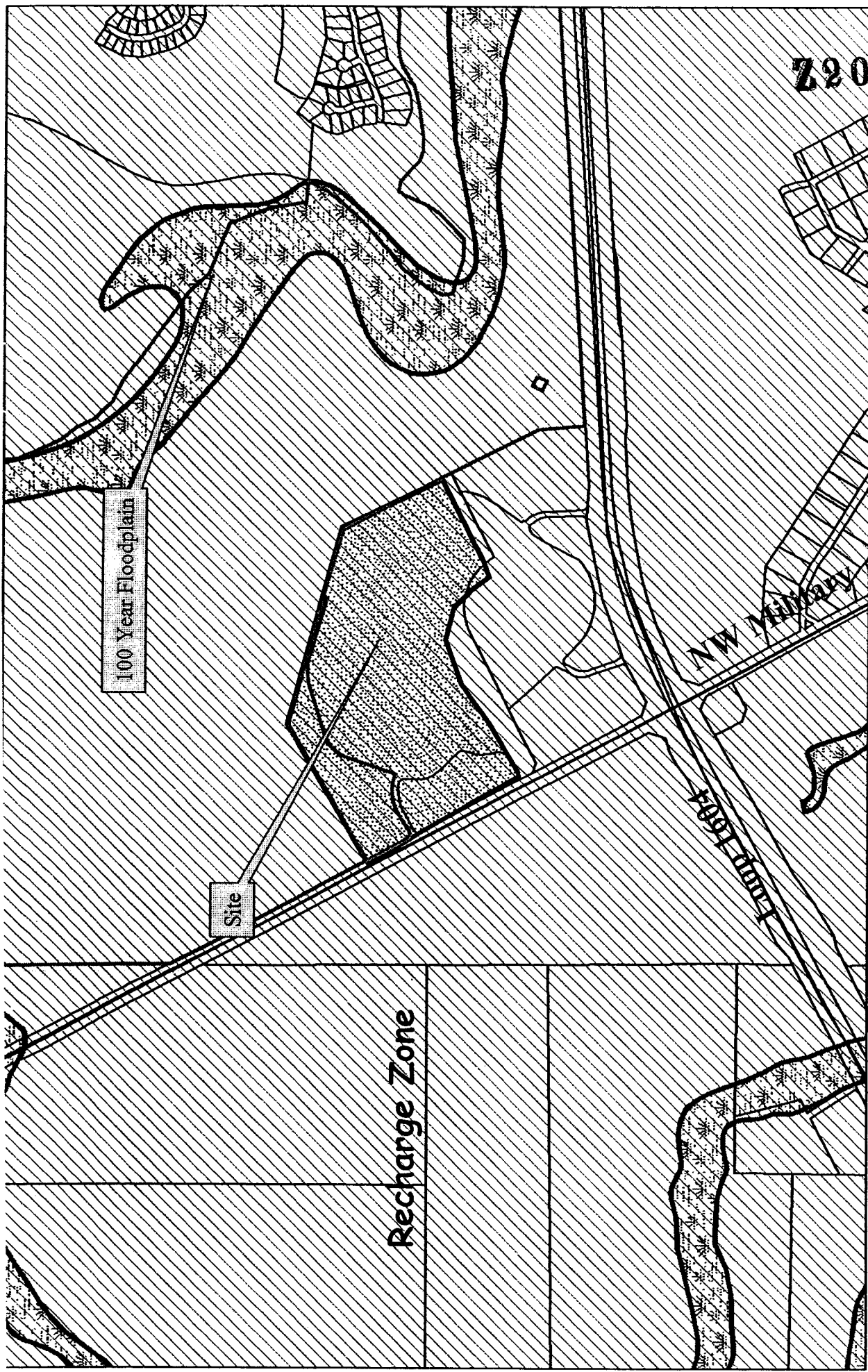

Kirk M. Nixon
Manager
Resource Protection Division

APPROVED:



Scott R. Halty
Director,
Resource Protection & Compliance Department

KMN:MJB



Zoning Case No. Z2005291 Figure 2

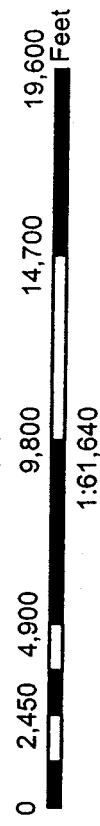
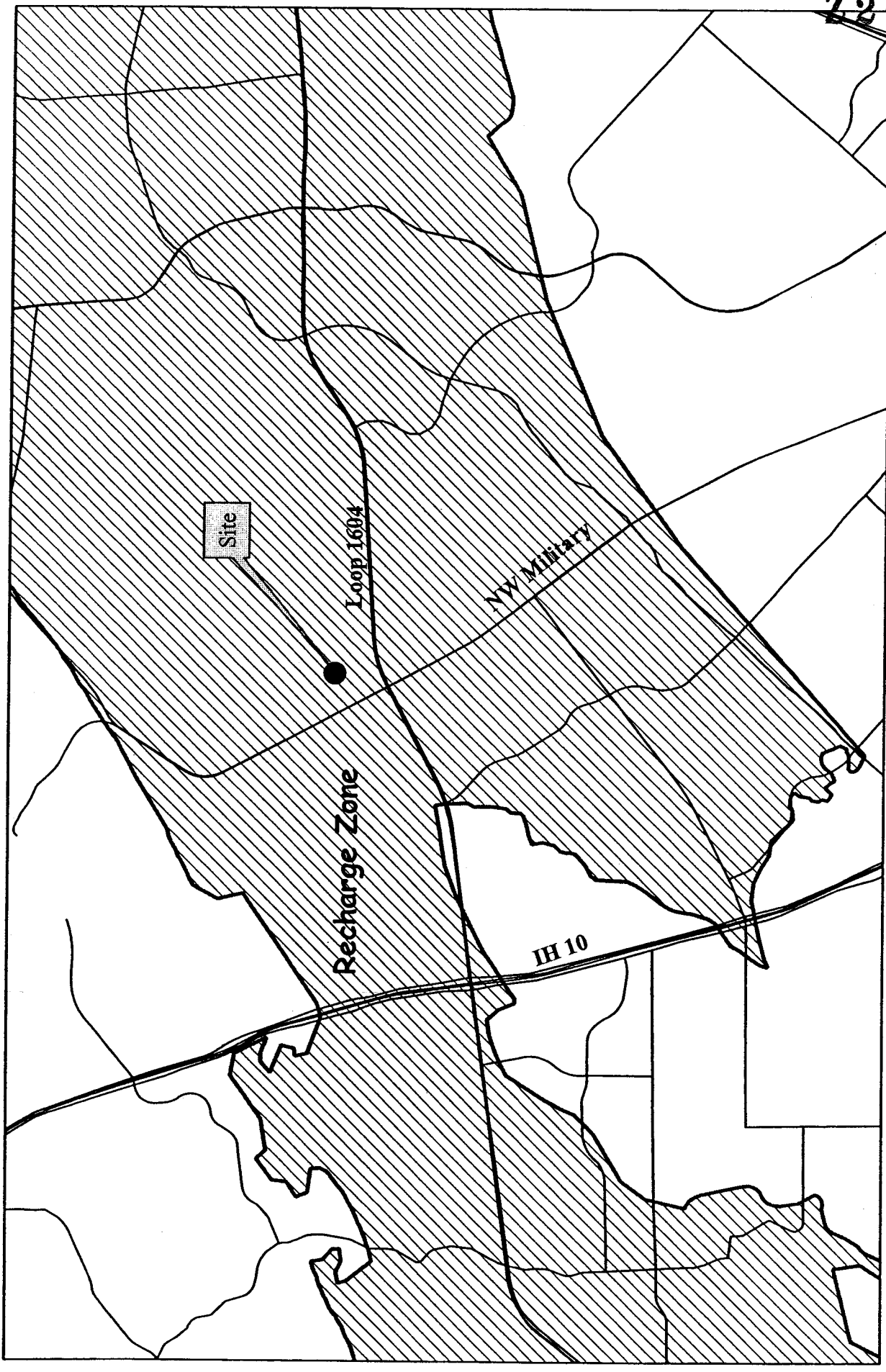
Presidio Heights

Map Page 515 B3

X=2107282 Y=13767971

Map Prepared by Aquifer Protection and Evaluation MJB 12/14/2005

72005291



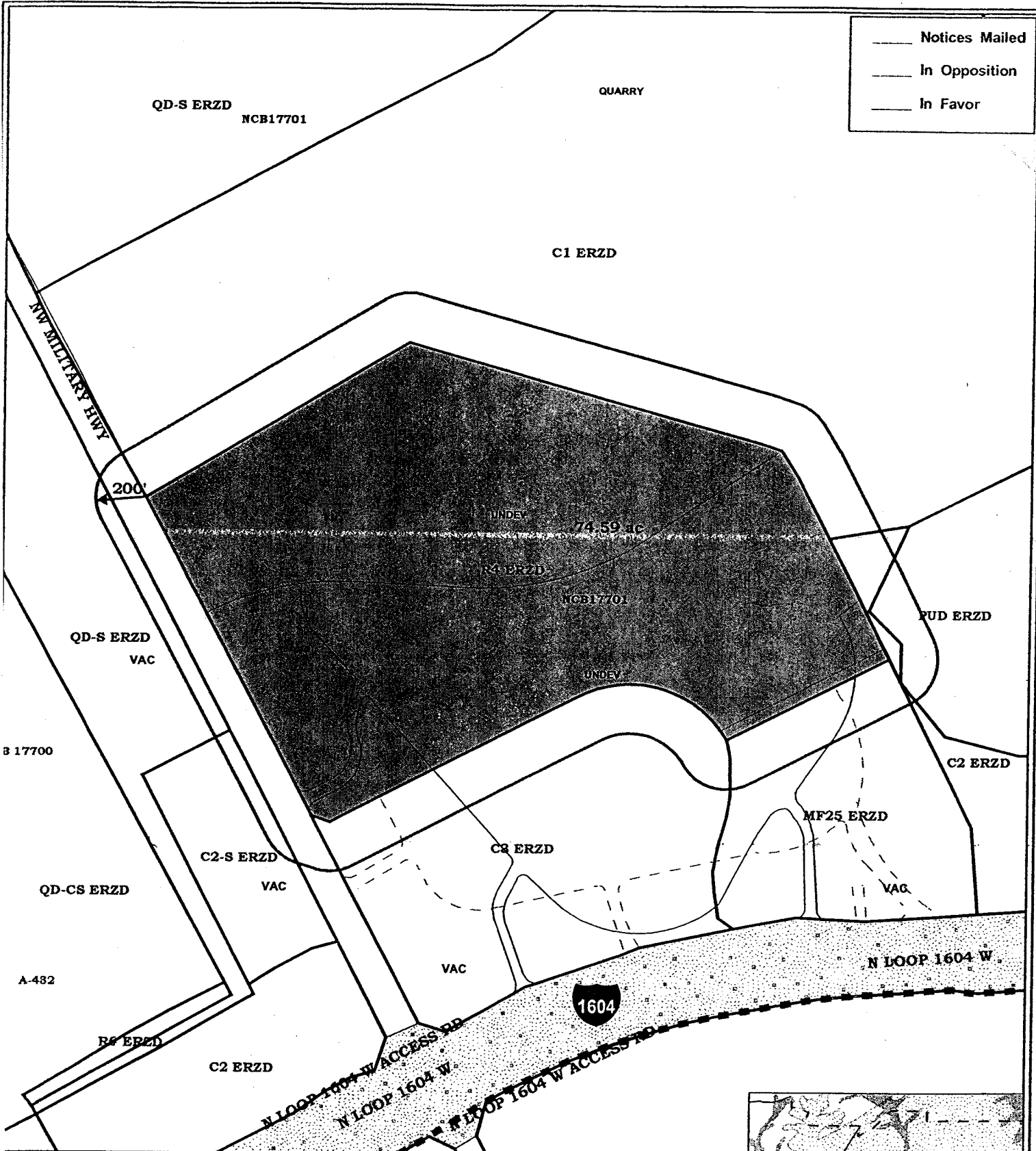
Zoning Case No. Z2005291 Figure 1

Presidio Heights

Map Page 515 B3

X=2107282 Y=13767971

Map Prepared by Aquifer Protection and Evaluation MJB 12/23/2005



ZONING CASE: Z2005-291

City Council District No. 9
 Requested Zoning Change
 From "R-4 ERZD" To PUD "R-4 ERZD"
 Date: January 26, 2006
 Scale: 1" = 500'

■ Subject Property
 ○ 200' Notification



C:\Dec_6_2005

